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#4
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.:	09/992,832
Applicant:	Adrian Sandler
Filed:	November 16, 2001
Title:	THERAPEUTIC PLACEBO ENHANCEMENT OF COMMONLY-USED MEDICATIONS
Examiner:	Todd Ware
Art Unit:	1615
Attorney Docket No.:	DAS-1

Asheville, North Carolina
July 15, 2003

RESPONSE TO RESTRICTION REQUIREMENT/ELECTION OF INVENTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Deposit: July 15, 2003

I hereby certify that this correspondence, paper or fee is being deposited with the United States Postal Service as first class mail, postage prepaid, on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

David M. Carter
(Typed or printed name of person mailing)

(Signature of person mailing)

Dear Sir:

This is in response to the Office Action of June 18, 2003. In that Office Action, the Examiner took the position that the claims in this application were directed to five distinct inventions, namely:

Group I - Claims 1-18, drawn to a method for drug dose reduction;

Group II - Claims 19-29, drawn to kits;

Group III - Claims 30-41, drawn to a method for drug dose reduction where placebo is administered with drug during a first time period;

Group IV - Claim 42, drawn to a method for drug dose reduction where placebo is administered with drug; and

Group V - Claims 43 and 44, drawn to a method for drug dose reduction where placebo and drug with distinctive indicia are adminstered.

Applicant provisionally elects Group I, namely, Claims 1-18 to be examined in this application. This election is made with traverse.

As part of the reason for the restriction requirement, the Examiner indicated that the search required for Group I is not required for Groups III, IV and V. It is noted that the Examiner has classified Groups I, III, IV and V in Class 424, Subclass 400. Therefore, in order to conduct a complete search, the Examiner must search Class 424, Subclass 400 for each of Groups I, III, IV and V.

The Examiner further indicates that the invention in Group I, which contains Claims 1-18, and the invention in Group III, which contains Claims 30-41, are unrelated. As a basis for this assertion, the Examiner has stated that the mode of operation of the claims of Group I does not have an administration of active pharmaceutical during the first predetermined time period and a placebo during the first predetermined time period in a separate step as in Group III. It should be noted that Claim 2, which is in Group I, is almost identical to Claim 30, which is in Group III, except that Claim 2 calls for administering an "initial dosage of pharmaceutical" while Claim 30 calls for administering "substantially the normal dosage unit of pharmaceutical." In fact, contrary to the Examiner's assertion, Claims 2 does call for the administration of the active pharmaceutical during a first predetermined time period and a separate step of administering a placebo during a first predetermined time period. Thus, it is submitted that the reason given by the Examiner that the claims of Groups I and III are distinctive is not in compliance with MPEP §

816. It is therefore respectfully requested that, at the very least, the claims of Groups I and III be examined together in this application.

It is also submitted that Claim 2 in Group I is very similar in scope to Claim 42 in Group IV and, further, that Claim 43 in Group V is very similar in scope to Claims 4, 5 and 6 in Group I. It is therefore respectfully requested that the Examiner also reconsider the restriction with respect to the claims of Groups I, III, IV and V.

In any event, it is requested that the next Office Action be an action on the merits with respect to the provisionally elected Group of claims (Group I) and any Group(s) which are not distinctive from Group I.

Respectfully submitted,

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